IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

WRIT PETITION NO. 5852 OF 2005 .

Sakhubai M. Nandgaonkar ... Petitioner.
V/s.
Mrs. Usha Suresh Lad ... Respondents.

Shri M. C.Mudholkar for the petitioner.

Shri Amol B. Desai for Shri S.S. Dube for the respondents.

CORAM : V.C.DAGA, J.

DATED : 22.12.2005.

P.C. :

. Rule returnable forthwith.

2. This petition is directed against the order dated 17.2.2005 passed by the Civil Judge, J.D. Thane, Misc. Application No. 144/2002, rejecting prayer for amendment.

3. The plea for amendment sought to be raised is a pure question of law. No evidence is required to prove the amended part of the defence.

4. In the above view of the matter and in view of the law laid down by this Court in **Mudra Salt and Chemical Industries vs. Collector, Thane & ors. 2001 (3) Mh.L.J. 151**, the impugned order is set aside. Application moved in the Court below for amendment is allowed. It would be open for the respondents to make consequential amendments if

advised. Rule is made absolute in terms of this order.

4. Petitioner is directed to carry out necessary amendment within 2 weeks from the date of receipt of copy of this order by the Court below. The trial Court is directed to decide the suit as expeditiously as possible at any rate, within one year from the date of receipt of copy of this order.